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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,776	07/11/2006	Vitaly Ivanovich Kozhuev	1752	7849
33055	7590	12/26/2007	EXAMINER	
PATENT, COPYRIGHT & TRADEMARK LAW GROUP			FERGUSON, MICHAEL P	
PO BOX 506			ART UNIT	PAPER NUMBER
RICHFIELD, OH 44286			3679	
MAIL DATE		DELIVERY MODE		
12/26/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/585,776	KOZHUEV, VITALY IVANOVICH	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities:

In the specification, page 1, line 11, recites "Said construction". It should recite

--The construction--.

In the specification, page 1, line 31, recites "Said joint". It should recite --The joint--.

In the specification, page 2, line 17, recites "Said joint". It should recite --The joint--.

In the specification, page 2, line 20, recites "Said engineering". It should recite --The engineering--.

In the specification, page 2, line 21, recites "said solution". It should recite --the solution--.

In the specification, page 2, line 23, recites "said joint". It should recite --the joint--.

In the specification, page 4, lines 1-2, recites "invention as claimed in claim 3, where". It should recite --invention, where--.

In the specification, page 4, line 4, recites "invention as claimed in claim 2, where". It should recite --invention, where--.

Appropriate correction is required.

Claim Objections

5. Claims 1-4, 6-8, 10 and 11 are objected to because of the following informalities:

Claim 1 (line 1) recites "parts, comprising". It should recite --parts, the joint comprising--.

Claim 1 (line 2) recites "the mating". It should recite --mating--.

Claim 1 (lines 2-3) recites "the edge thereof and necks at the basis". It should recite --an edge thereof and necks at a base--.

Claim 1 (line 4) recites "changing". It should recite --change--.

Claim 1 (line 5) recites "projections necks". It should recite --projection necks--.

Claim 1 (lines 5-6) recites "projection edges and the surfaces of the slots bottoms... form of cones". It should recite --edges of the projections and surfaces of the bottoms of the slots... form of conical surfaces--.

Claim 1 (line 7) recites "projections edges and of the slots bottoms". It should recite --projection edges and of the slot bottoms--.

Claim 1 (lines 7-8) recites "are arranged on the opposite sides with respect to the connecting parts". It should recite --of each part are arranged on opposite sides with respect to a plane of each respective part--.

Claim 2 (line 1) recites "the radius". It should recite --a radius--.

Claim 2 (line 2) recites "the guiding lines... projections edges and of the slots bottoms". It should recite --guiding lines... projection edges and of the slot bottoms--.

Claim 3 (lines 1-2) recites "one connecting part". It should recite --one part--.

Claim 4 (line 1) recites "mating said". It should recite --mating side--.

Claim 4 (line 3) recites "mating sides". It should recite --mating side--.

Claim 4 (line 4) recites "a basis". It should recite --a base--.

Claim 4 (line 6) recites "a basis". It should recite --a base--.

Claim 4 (line 8) recites "respective". It should recite --respectively--.

Claim 4 (line 8) recites "changing". It should recite --change--.

Claim 6 (lines 1-2) recites "projections edges and the surfaces of the slots bottoms mating therewith comprise cones". It should recite --edges of the projections and the surfaces of the bottoms of the slots mating therewith each comprise conical surfaces--.

Claim 6 (lines 3-4) recites "peaks are arranged on the opposite sides with respect to the connecting parts". It should recite --peaks of the projection edges and the slot bottoms of each part are arranged on opposite sides with respect to a plane of each respective part--.

Claim 7 (line 3) recites "the connecting parts". It should recite --the parts--.

Claim 8 (line 3) recites "Overlapping". It should recite --overlapping--.

Claim 8 (lines 3-4) recites "that their surfaces are". It should recite --that the respective planes of said upper and lower pieces are--.

Claim 8 (line 5) recites "Entering... piece into enter the bulbous". It should recite --aligning... piece with the bulbous--.

Claim 8 (lines 7-81) recites "Placing the projections of each upper piece laced into the grooves each mating lower". It should recite --placing the necks of the upper piece into the mating grooves of the lower--.

Claim 8 (line 9) recites "Rotating... lower pieces". It should recite --rotating... lower piece--.

Claim 8 (line 10) recites "parts will be". It should recite --parts are--.

Claim 10 (lines 1-2) recites "construction works in bending". It should recite --construction of parts bends--.

Claim 11 (line 1) recites "the construction". It should recite --the construction of parts--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim1 (lines 1-2) recites "A joint for flat rigid parts, comprising projections, which are embodied on the mating sides of the parts". It is unclear as to whether the flat rigid parts are positively claimed as elements of the claimed joint, or whether the parts are only recited as intended use within claim 1. Accordingly, one is unable to determine the metes and bounds of such claim. Claims 2, 3 and 9-11 depend from claim 1 and are likewise rejected.

Claim 1 (lines 1-8) recites "comprising projections... in the form of bulbous breadths at the edge thereof and necks at the basis thereof, and complementary joggles, which are embodied in the form of bulbous slots... and gradually changing into grooves... characterized in that the surface of the projections edges and the surfaces of the slots bottoms mating therewith are embodied in the form of cones, wherein the peaks of the conical surfaces... are arranged on the opposite sides with respect to the connecting parts". It is unclear as to whether or not the entire surface of each of the respective projections and joggles are conical; and if so, it is unclear as to how alternating projections and joggles can project conically in opposite directions. Clearly, at some point along each of the respective neck and groove surfaces, the projections

and joggles stop being conical in order to project in opposite directions. Claim 1 fails to clearly claim such transition between conical portions and non-conical portions of the projections and the joggles. Claims 2, 3 and 9-11 depend from claim 1 and are likewise rejected.

Claim 2 (lines 1-3) recites "the radius of curvature of the guiding lines of the conical surfaces of the projections edges and of the slots bottoms are embodied in such a way that they tend to infinity". It is unclear as to what constitutes a "guiding line" and as to how such line can "tend to infinity". Claim 2 should recite --a radius of curvature of the conical surfaces of the projections edges and of the slots bottoms are embodied in such a way that the radius of curvature approaches infinity--.

Claim 4 (lines 1-5) recites "A joint for flat parts having a first mating side and a second mating said, said joint comprising: a first series of projections formed on said first mating sides... a second series of projections formed on said second mating side". It is unclear as to whether the flat parts are positively claimed as elements of the claimed joint, or whether the parts are only recited as intended use within claim 4. Accordingly, one is unable to determine the metes and bounds of such claim. Claims 5-11 depend from claim 4 and are likewise rejected.

Claim 10 (lines 2-3) recites "when the bending moment has the same direction as the rotation of the plates during the assembly process". Claim 10 fails to set forth or depend from any claim that sets forth any limitations in regards to any process steps required for the assembly of the construction. There is insufficient antecedent basis for the limitation of "the rotation of the plates during the assembly process" in the claim.

Claim 11 recites "wherein disassembling of the construction is performed in reverse order". It is unclear as what disassembly or assembly process steps the phrase "in reverse order" refers; such claim fails to set forth or depend from any claim that sets forth any limitations in regards to the order of process steps required for the assembly or disassembly of the construction. Accordingly, it is unclear as to what process is being referred to by the phrase "in reverse order".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Polytech (FR 2 815 678).

As to claim 4, Polytech discloses a joint for flat parts **A,B** having a first mating side and a second mating side, the joint comprising:

a first series of projections **4** (the number of projections **4** is based on the length of parts **A,B**; page 5 lines 23-26) formed on the first mating side and having a bulbous breadth at the edge thereof and a neck at a base thereof;

a second series of projections **4** formed on the second mating side and having a bulbous breadth at the edge thereof and a neck at a base thereof;

complementary joggles **5** corresponding to the first bulbous breadths and the second bulbous breadths respectively, such that the joggles gradually change into grooves corresponding to the projections necks (Figures 5 and 6, page 5 lines 23-26).

As to claim 5, Polytech discloses a joint wherein the joggles **5** are embodied in the form of bulbous slots (Figures 5 and 6).

Claim Rejections - 35 USC § 103

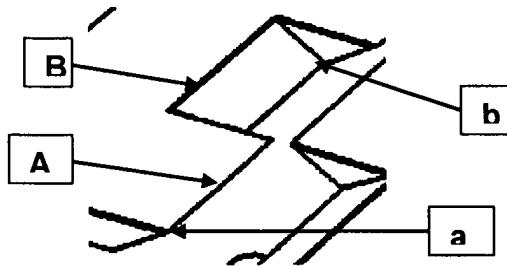
10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunting Engineering (GB 2 221 273) in view of Polytech.

As to claims 1 and 2, Hunting Engineering discloses a joint for flat rigid parts **10,11**, the joint comprising projections **A** (Figure 2 reprinted below with annotations), which are embodied on mating sides of the parts, and complementary joggles **B**, which are embodied in the form of slots **B** corresponding to the projections, characterized in that the surfaces of the edges of the projection and the surfaces of bottoms of the slots mating therewith are embodied in the form of angled surfaces (such angled surfaces constitute conical surfaces, when projections **A** and slots **B** are modified to have concave cross-sections) wherein the peaks **a,b** of the angled surfaces of the projection edges and of the slot bottoms of each part are arranged on opposite sides with respect to a plane of each respective part (point of maximum width **a** of projection **A** constitutes

a peak **a**; point of maximum depth **b** of slot **B** constitutes a peak **b**; such peaks **a,b** are arranged on opposite sides of plates 10,11; Figure 2).



Hunting Engineering fails to disclose a joint wherein the projections are embodied on mating sides of the parts in the form of bulbous breadths at an edge thereof and necks at the base thereof, wherein the joggles are embodied in the form of bulbous slots corresponding to the bulbous breadths of the projections and gradually changing into grooves corresponding to the projections necks; wherein a radius of curvature of the projection edges and of the slot bottoms are embodied in such a way that the radius of curvature approaches infinity.

Polytech teaches a joint for flat rigid parts **A,B** comprising projections **4** embodied on mating sides of the parts in the form of bulbous breadths at an edge thereof and necks at the base thereof; and complementary joggles **5** embodied in the form of bulbous slots corresponding to the bulbous breadths of the projections and gradually changing into grooves corresponding to the projections necks; wherein a radius of curvature of the edges of the projections and of the bottoms of the slots are embodied in such a way that the radius of curvature approaches infinity; the bulbous-shape of projections **4** and joggles **5** providing for precise positioning of and complete embedding and interlocking of the projections within the joggles, ensuring that the

projections are properly aligned within and positively engaged with the joggles, providing a more secure connection between parts 10,11 (page 1 line 21-page 2 line 8, page 2 lines 29-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the joint disclosed by Hunting Engineering wherein the projections and joggles have a bulbous-shape as taught by Polytech in order to provide for precise positioning of and complete embedding and interlocking of the projections within the joggles, ensuring that the projections are properly aligned within and positively engaged with the joggles, providing a more secure connection between parts.

As to claim 3, Hunting Engineering fails to disclose a joint characterized in that at least one part is embodied in the form of a through-thickness composite part. Hunting Engineering does not disclose any structural or functional significance as to the specific material of the parts.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use, wherein there is no structural or functional significance disclosed as to the specific material of an element, is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the joint disclosed by Hunting Engineering wherein at least one part is formed of a composite material, as Hunting Engineering does not disclose any structural or functional significance as to the specific material of the parts, and as such selection of material is a design consideration within the skill of the art.

As to claims 4 and 5, Hunting Engineering discloses a joint for flat parts **10,11** having a first mating side and a second mating side, the joint comprising:

- a first series of projections **A** formed on the first mating side;
- a second series of projections **A** formed on the second mating side;
- complementary joggles **B** corresponding to the first projections and the second projections respectively (Figures 2-4).

Hunting Engineering fails to disclose a joint wherein the first and second series of projections each have a bulbous breadth at the edge thereof and a neck at a base thereof; wherein the joggles correspond to the first bulbous breadths and the second bulbous breadths respectively, such that the joggles gradually change into grooves corresponding to the projections necks; and wherein the joggles are embodied in the form of bulbous slots.

Polytech teaches a joint for flat parts **A,B** comprising first and second series of projections **4** each have a bulbous breadth at the edge thereof and a neck at a base thereof; and complementary joggles **5** correspond to the first bulbous breadths and the second bulbous breadths respectively, such that the joggles gradually change into grooves corresponding to the projections necks; wherein the joggles are embodied in the form of bulbous slots; the bulbous-shape of projections **4** and joggles **5** providing for precise positioning of and complete embedding and interlocking of the projections within the joggles, ensuring that the projections are properly aligned within and positively engaged with the joggles, providing a more secure connection between parts **10,11** (page 1 line 21-page 2 line 8, page 2 lines 29-30). Accordingly, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the joint disclosed by Hunting Engineering wherein the projections and joggles have a bulbous-shape as taught by Polytech in order to provide for precise positioning of and complete embedding and interlocking of the projections within the joggles, ensuring that the projections are properly aligned within and positively engaged with the joggles, providing a more secure connection between parts.

As to claim 6, Hunting Engineering discloses a joint wherein the surfaces of the edges of the projections **A** and the surfaces of the bottoms of the slots **B** mating therewith each comprise angled surfaces having a guiding line on an angled surface that passes through a peak **a,b** (such angled surfaces constitute conical surfaces, when projections **A** and slots **B** are modified to have concave cross-sections), and wherein the guiding lines and the peaks of the projection edges and the slot bottoms of each part **10,11** are arranged on opposite sides with respect to a plane of each respective part (point of maximum width **a** of projection **A** constitutes a peak **a**; point of maximum depth **b** of slot **B** constitutes a peak **b**; such peaks **a,b** are arranged on opposite sides of plates **10,11**; Figure 2).

As to claim 7, Hunting Engineering discloses a joint wherein a radius of curvature **R** of the guiding lines of the angled surfaces is equal to the radius of curvature of the slot **B** within the accuracy of the value of the gap between the parts **10,11** (Figure 3).

As to claim 9, Hunting Engineering discloses a joint wherein a uniform rigid plate **10,11** is formed capable of working in tension-compression and in shear, virtually in the same way as a whole plate (Figure 3).

As to claim 10, Hunting Engineering discloses a joint wherein an assembled construction of parts **10,11** bends in only one direction (Figure 4).

Applicant is reminded that **process limitations are given little patentable weight in product claims** since the patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985). Accordingly, the process limitations of the plates rotating during an assembly process has been little patentable weight; all that is required of claim 10 is a joint capable of being assembled by rotating the plates.

As to claim 11, Hunting Engineering discloses a joint wherein disassembling of the construction of parts **10,11** is performed (Figure 2).

Allowable Subject Matter

12. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 8, Hunting Engineering discloses the claimed method of assembling a joint for flat parts with the exception of comprising: overlapping the upper piece and the lower piece in such a way that the respective planes of the upper and lower pieces are positioned at an angle that is close to a right angle; aligning bulbous breadths of the

lower piece with the bulbous slots of the upper piece; placing the necks of the upper piece into the mating grooves of the lower piece, respectively; rotating the upper piece relative to the lower piece until conical surfaces of the breadths meet the conical surfaces of the slots, wherein both parts are located in the same plane.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the method disclosed by Hunting Engineering to have the above mentioned elemental features.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to dovetail joints:

Mitryakov (SU 1624218), Kenevan (US 5,765,707), Keyes (US 757,812), Julius (US 5,940,935), Bustamante (US 5,682,935) and Braun et al. (US 4,541,5255) are cited for pertaining to joints comprising flat rigid parts comprising projections and mating complementary joggles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MPF
12/14/07


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